

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 09, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AARON JOSEPH CUNNINGHAM,

Plaintiff,

v.

NEWPORT TOWING FIRM,

Defendant.

No. 2:22-cv-00251-MKD

ORDER DENYING LEAVE TO
PROCEED *IN FORMA PAUPERIS*
AND DISMISSING ACTION

By Order filed November 30, 2022, the Court directed Plaintiff Aaron Joseph Cunningham, a *pro se* federal pretrial detainee, to show cause under 28 U.S.C. § 1915(g) why he should be allowed to proceed *in forma pauperis* in this action. ECF No. 12. Plaintiff did not comply with this directive and has filed nothing further in this action.

Although granted the opportunity to do so, Plaintiff did not pay the \$402.00 filing fee to commence this action.

Accordingly, **IT IS ORDERED:**

ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* AND
DISMISSING ACTION - 1

1 1. Plaintiff's application to proceed *in forma pauperis*, ECF No. 2, is
2 **DENIED.**

3 2. This action is **DISMISSED WITHOUT PREJUDICE** for failure to
4 comply with 28 U.S.C. § 1914(a).

5 3. All pending motions, including the Motions for Appointment of
6 Counsel, ECF Nos. 4, 10, are **DENIED as moot.**

7 4. The Clerk's Office shall **STRIKE** any pending hearings and deadlines
8 in this action.

9 5. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal
10 of this Order would not be taken in good faith and would lack any arguable basis in
11 law or fact.

12 6. The Clerk's Office is directed to enter this Order, enter judgment,
13 provide copies to Plaintiff at his last known address, and **CLOSE** the file.

14 **DATED** January 9, 2023.

15
16 s/Mary K. Dimke
17 MARY K. DIMKE
18 UNITED STATES DISTRICT JUDGE
19
20